

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THOMAS CRUZ FAJARDO,

Plaintiff,

-against-

22 CIVIL 3014 (PAE)

JUDGMENT

DIRECTOR THOMAS DECKER, NEW YORK
FIELD OFFICE, U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT, SECRETARY
ALEJANDRO MAYORKAS, U.S. SECRETARY
OF HOMELAND SECURITY, MERRICK
GARLAND, U.S. ATTORNEY GENERAL,
and SHERIFF CARL E. DUBOIS, ORANGE
COUNTY,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion & Order dated December 5, 2022, the Court has granted Fajardo's petition, to the extent it seeks a prompt bond hearing. Within 10 days of the Opinion and Order, respondents shall take Fajardo before an immigration judge for an individualized bond hearing, at which, to sustain Fajardo's continued detention, the Government must bear the burden to prove, by clear and convincing evidence, that he is a danger to the community or a flight risk. At such a hearing, the IJ is to consider alternatives to immigration detention and Fajardo's ability to post bond. Should respondents fail to provide Fajardo with such a hearing within 10 days, respondents shall immediately release him; accordingly, the case is closed.

Dated: New York, New York

December 6, 2022

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk